

Chilton, Wisconsin
May 19, 2020

The regular meeting of the Chilton Common Council held at the Chilton Public Library was called to order at 6:30 p.m. with Mayor Thomas J. Reinl presiding.

AGENDA POSTING:

On 5/15/2020, copies of the agenda were delivered to the Mayor, Aldermen, City Department Heads, City Attorney and were made available to the media, and posted on the City Hall bulletin board and posted on the City web page.

ROLL CALL:

Mayor Thomas J. Reinl and seven members of the Council were present at roll call:

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| Council Member Jon Kragh | Council Member Ron Gruett |
| Council Member Clayton Thornber | Council Member Andrew Deehr |
| Council Member Kathy Schmitzer | Council Member Peggy Loose |
| Council Member Joe Schoenborn | |

Other city officials present were, Director of Public Works Chris Marx, Police Chief Craig Plehn, City Attorney Derek McDermott, Library Assistant Director Rebecca Barry and Deputy City Clerk Lisa Meyer. Also in attendance, Betty Schilling, Chilton Journal, Tom Austin and Rick Jaeckels. Absent and excused Mike Goebel. Dave Kohls, Tri-County News joined the meeting remotely.

Those in attendance recited the Pledge of Allegiance.

MINUTES:

Motion by Gruett, seconded by Deehr and carried to approve the minutes of the Council meeting held on May 5, 2020.

REPORT OF OFFICERS:

MAYOR:

- Due to the COVID-19 pandemic, all of the bars and restaurants in the City have been closed for inside business since March 17, 2020. Because the City cannot help them in any other way, Mayor Reinl would like council authorization to waive the liquor license fees, totaling \$300 per establishment.

Motion by Deehr, seconded by Schmitzer and carried to waive the Class "B" Beer and Class "B" Liquor License fees from July 1, 2020 thru June 30, 2021 for Ethel's Bar and Grill, Cheers, Curve Inn, Mathes Pla-Mor Inc., Ditter's 40 West LLC, Papa Don's Pizzeria, Chilton Eagles Club, Stage Coach Bar & Grill and Seven Angels.

- Mayor Reinl discussed the Declaration of State of Emergency in the City of Chilton that was approved at the April 7, 2020 Council Meeting addressing the closures of City buildings along with park bathrooms. There have been inquiries regarding renting out the parks and the City Hall rooms and if social distancing needs to be monitored at private parties. The first "Summer in the Park" Concert will be on June

4, 2020 in which the Jerry Schneider Band will be performing at Hobart Park, however the park bathrooms are not open at this time. In addition to the shortage of cleaning supplies, if a City of Chilton employee in any office, be it water, sewer, police or City Hall, would get COVID 19, the whole office would be closed because everyone would need to self-quarantine for 14 days.

Motion by Gruett, seconded by Thornber and carried to follow the Calumet County Park system guidelines and open the city park bathrooms when the county park bathrooms are open. All City offices will be closed until the June 2, 2020 Council Meeting, at which time it will be discussed again.

- Mayor Reinl was contacted by a parent from the Chilton High School. The School District is in the process of ordering banners for the senior class and would like the Chilton Public Works Department to hang them from the light poles on North and South Madison Street. Mayor Reinl approved this request.
- Calumet County has awarded the City \$179,000.00 of Community Development Block Grant (CDBG) CLOSURE funding to support the demolition and clean-up at the former Chilton Plating property located at 420 E Main Street.
- Mayor Reinl met with the City Hall staff to discuss hiring a part-time person to help in the office. This will be discussed further by the General Government committee.
- Foremost Farms will be closing effective July 17, 2020. Approximately 50 jobs will be lost. The closing is due to issues modernizing the plant along with the COVID-19 pandemic.

DEPUTY CITY CLERK:

- Calumet County will be hosting two electronics disposal events from 1-5 pm. The first one is scheduled for June 10, 2020 at the Chilton City Garage and the other on August 5, 2020 at Harrison Public Works.
- The Clerk's office will be mailing out letters to dog owners that have not obtained a license yet. The \$5.00 late fee has been waived until June 30, 2020.
- We received notification from the State of Wisconsin DNR regarding the Recycling Report that was filed April 30, 2020. Last year, the City received funds of \$23,838.10. This year the City will be receiving \$23,819.74.

APPROVE LIQUOR LICENSE:

Moved by Schoenborn, seconded by Schmitzer and carried to approve a Temporary Class "B" picnic license for New Hope Centre Inc. for "Kicks for Hope Kickball Tournament" from July 31 through August 2, 2020. Persons in charge, Jennifer Monteith and Tracy Breckheimer.

Moved by Thornber, seconded by Schoenborn and carried to approve a Temporary Class "B" picnic license for the Chilton Fire Department for the annual brat fry rescheduled for October 3, 2020 and waive the fee.

DIRECTOR OF PUBLIC WORKS:

- The City park bathrooms are locked at this time, however they are ready to go and will be opened when the County Park system opens their bathrooms.
- The semi-annual weed control has been completed in the parks.
- There were some sewer issues this past weekend due to the rain.
- The reservoir at Well #8 needs to be repaired. Options are being investigated.

- The North State Street underground utility construction is completed. Utility contractor Kruczek Construction has finished and road reconstruction contractor, Vinton Construction will be starting this week. Kip Gulseth Construction is doing the storm sewer as a subcontractor for Vinton.
- Mayor Reinl complimented DPW Marx on doing a good job handling resident complaints on North State Street.

AUDIENCE PARTICIPATION: none

REPORT OF COMMITTEES:

Alderman Gruett reported on the Public Works committee meeting on May 11, 2020.

DPW Marx presented a map of proposed street lights to be added to the Dairyland subdivision. The street lights would be located at the end of each cul-de-sac and would continue along S. Diane Street, Bessy Lane and along Irish Road. The subdivision expansion was engineered by Davel Engineering whom was hired by Ken and Darlene Danes. There was no lighting design in the engineering plan and the City had not looked into private lighting for the area. According to DPW Marx the average cost to operate a street light is approximately \$23.00 per month. By lighting up the subdivision we are hoping that this will help the developer with sales for the lots. The cost of the street lights would be taken from the tax incremental financing district funds. The original plan was to install 12 street lights, however there is no electric running to pole #11, therefore this pole will be eliminated.

Motion by Gruett, seconded by Schmitzer to install eleven additional street lights in the Dairyland Estates subdivision and pay for the lights with TIF #6 funds. Motion carried. Roll call vote.

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| Gruett – aye | Kragh – aye | Loose – aye | Thornber – aye |
| Schmitzer – aye | Goebel – absent | Deehr – aye | Schoenborn - aye |

Seven votes cast. Seven votes aye. Motion carried.

The City of Chilton current hauler rates have been the same for a number of years while surrounding communities have been increasing their rates. After researching surrounding community's rates (i.e. New Holstein, Hilbert, and Kiel), Chilton's rates were low, especially the cheese factory wastes charge. Currently two haulers are dumping at the wastewater treatment plant, C & R Pumpers and Lakeshore Septic. The City is given latitude as to where they set these rates to help steer how much wastes the treatment plant can handle. The City has been taking in wastes for approximately fifteen years. The increase in rates would create a competitive market with neighboring communities.

Moved by Schmitzer, seconded by Schoenborn to introduce, adopt and waive the reading of Resolution No. 1818, a Resolution Approving a Wastewater Hauler Rate Increase. Roll call vote.

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| Gruett – aye | Kragh – aye | Loose – aye | Thornber – aye |
| Schmitzer – aye | Goebel – absent | Deehr – aye | Schoenborn - aye |

Seven votes cast. Seven votes aye. Motion carried.

Weed cutting rates by the City were reviewed. Past practice has been if a weed is over 8 inches it is considered a public nuisance by the Weed Commissioner and a letter is sent to the property owner. The property owner has three days from the date of the letter to cut the vegetation. If not cut, the Department of Public Works can perform the work and charge the property owner. The 2019 rate charged by the City for weed cutting was \$80.00 per hour plus a 25% administrative fee (minimum charge – one hour). DPW Marx said the 25% administrative fee was added in 2019.

Motion by Gruett, seconded by Deehr and carried to leave rates the same as last year for 2020 weed cutting by charging \$80.00 per hour plus a 25% administrative fee (minimum one hour).

At the December 10, 2019 Public Works committee meeting DPW Marx was asked by the committee to identify broken curbs throughout the City and report his findings at a future meeting. DPW Marx said he found 48 instances of broken curbs. Out of the 48, six broken curbs were located in front of the Calumet County Courthouse. When the road is reconstructed these curbs will be redone. He said there is \$125,000 in the budget for street repairs on Madison Street and Breed Street in 2020. As part of the bidding process for these repairs, DPW Marx is asking for pricing on repairing the curbs along this route as part of that contract. The bid results will be reviewed at a future meeting.

Motion by Gruett, seconded by Schmitzer and carried to repair the remaining curbs in the City of Chilton by budgeting per ward at the same time the City does sidewalk repairs beginning in 2021.

Mayor Reinl identified a need for an interim person to supervise the building inspector until the new City Administrator/Clerk/Treasurer is hired. Once hired, the City Administrator/Clerk/Treasurer will be the supervisor according to their job description. Mayor Reinl said DPW Marx is willing to take on this role during the interim.

Motion by Gruett, seconded by Thornber and carried to appoint DPW Marx as the responsible party to oversee the building inspector during the interim period until the City Administrator/Clerk/Treasurer is hired.

Mayor Reinl reported on the Plan Commission meeting on May 13, 2020.

Calumet County made an offer to purchase for part of Tax Parcel I.D. #17195 (1.079 acres) located on Park Street. The City of Chilton made a counter offer which was accepted.

As part of the process, City of Chilton is requesting a rezone from R-C (Rural Character) to I-1 (Limited Industry) to allow the Calumet County Highway Department to construct a salt storage shed on the land.

Property owners within a 200 foot radius of Tax Parcel I.D. #17195 were notified of the rezone request and no inquiries were received for or against the request.

Motion by Deehr, seconded by Loose and carried to set a public hearing for June 16, 2020 at 6:45 pm to rezone part of Tax Parcel I.D. #17195 on Park Street from R-C (Rural Character) to I-1 (Limited Industry).

City of Chilton submitted a conditional use permit for part of Tax Parcel I.D. #17195 located on Park Street. The buyer of the property's proposed use is to construct a salt shed on the property. According to City Attorney Derek McDermott under the zoning code the proposed use requires a conditional use under Chapter 16, Section 16.09(7)(g) Governmental and Cultural Uses – Non Industrial. The conditional use permit requires a site plan. Brian Glaeser, Calumet County Highway Commissioner, said the County is looking to eventually replace the current salt shed with a new salt shed located in the back corner of the property away from the front of the street. Glaeser said the current salt shed holds 2,200 tons but the County is looking to increase the capacity of the new salt shed to a 3,000-4,000 ton facility with the capabilities of making salt brine which involves the use of salt and water. City Attorney Derek McDermott said the location of the new facility is important because there is a residential property next door. Glaeser said the location of the new salt shed in the back corner should help with any noise concerns regarding semi-trucks backing up to the shed to load up. Property owners within a 200 foot radius of Tax Parcel I.D. #17195 were notified of the application for a conditional use and no inquiries were received for or against the request.

Motion by Thornber, seconded by Deehr and carried to approve the request by City of Chilton for a conditional use to allow the construction of a salt storage shed by Calumet County on part of Tax Parcel I.D. #17195 located on Park Street.

Robert Schneider has a buyer for Tax Parcel I.D. #16789 on N. State Street and has requested the approval of a certified survey map for a 10.4 acre subdivide of the property. The zoning of the property would remain R-C (Rural Character). Motion by Gruett, seconded by Schmitzer and carried to approve a certified survey map for a 10.4 acre subdivide of Tax Parcel I.D. #16789 on N. State Street owned by Robert Schneider.

William Parsons owner of Parsons Bros. Construction Co., representing Worthington Cylinders submitted a conditional use permit to add a 60,000 gallon LP tank at 300 E. Breed Street and relocate an existing 30,000 gallon LP tank by turning the tank 90 degrees. A conditional use permit was submitted in 2018 by Worthington Cylinders for another tank addition, which according to Parsons, was never installed because the project never moved ahead. The conditional use permit submitted for review shows all bulk storage on the property, consisting of a total of 150,000 gallons of compressed gas, which of that 30,000 gallons is propylene.

Under the zoning code, the proposed use requires a conditional use under Chapter 16, Section Chapter 16, Section 16.05 General Provisions (20) Bulk Storage (Liquid). Property owners within a 200 foot radius of 300 E. Breed Street (Tax Parcel I.D. No.

16921) were notified of the application for a conditional use. Herbert Buhl, representative for St. Mary's Cemetery, 680 N. Madison Street, commented that he had no issues with the request.

Fire Chief Ben Schoenborn and Police Chief /Emergency Management Director Craig Plehn said they have no issues with the conditional use request. Fire Chief Ben Schoenborn said this is a significant increase in propane; however in working with Worthington Cylinders over the past 15-20 years they have been doing everything by the book with state approved plans, etc. They are doing things the way they are supposed to be done. The facility is the safest that it has ever been. Schoenborn said he is at the facility multiple times throughout the year and any upcoming safety concern with a project is communicated with him ahead of time.

Motion by Deehr, seconded by Schoenborn and carried to approve the request by Worthington Cylinders for a conditional use for bulk storage (liquid) at 300 E. Breed Street.

A conditional use permit was approved on May 21, 2019 by the Common Council for a junk/salvage yard at 442 Clay Street. The following conditions were placed on the property at that time:

1. All containers must have doors and be keyed or combination locked at all times when staff is not on site or site must have security fencing and a locked gate.
2. All containers must be empty, no storage.
3. Property is to have maintained landscaping and not allow overgrowth of weeds, grass and other growing subjects.
4. Containers may not be stacked more than two (2) high. Stacked containers must be pinned or bolted together.
5. Containers must be stacked on a proper load-bearing base.
6. Containers are to be placed with a minimum 12-foot setback from side and back property lines and 15 foot from front property line.
7. No outside work to be allowed (including but not exclusive of the following: sand-blasting, welding, cutting, altering, painting or refurbishing). Outside for the purpose of this conditional use permit means outside of a proper commercial/industrial approved building structure and does not refer to the containers themselves.
8. Annual review with the Plan Commission.

The Plan Commission conducted the annual review of the conditional use for 442 Clay Street at their meeting on May 13, 2020. It was noted that two violations had occurred

since the conditional use permit was granted. On 9/4/2019 condition #6 was in violation and on 1/9/2020 condition #1 was in violation. Both violations have since been corrected.

Motion by Thornber, seconded by Gruett and carried to extend the conditional use permit for another year on property owned by Austin Management Services LLC at 442 Clay Street with the same eight conditions as noted above.

Austin Management Services LLC has made an offer to purchase 4.22 acres of land (Tax I.D. Parcel #32384) in the Industrial Park located on Progress Way which is part of tax incremental financing district #6.

Tom Austin said his intent is to move his shipping container operation from 442 Clay Street to Progress Way next to LDS. In the growth of his business, Austin said he has exceeded the capacity available for containers at 442 Clay Street. He said the 4.22 acre parcel would be suitable for his current needs as a headquarters for containers. Austin said his goal is to sell 2000 containers and rent out 5000 containers per year. The proposed site plan for the business included a 7,200 square foot shop facility and office, customer/employee parking and an 8 foot high fenced-in storage area with a security gate. The plan also showed a second building for future expansion.

City Attorney Derek McDermott said the City needs as part of the offer it is contingent upon a Development Agreement. The Development Agreement will tie into the conditional use and the zoning code is necessary for enforcement. The fence might be important for the conditional use and the building is more important in the Development Agreement because of the tax incremental financing district which generates tax increments.

Motion by Thornber, seconded by Gruett to accept the offer to purchase for 4.22 acres of land at Parcel # 32384 from Austin Management Services LLC subject to a Development Agreement, containing the following conditions along with other conditions inserted as necessary by the City attorney:

1. Building construction must be completed before any personal property is allowed on the property.
2. Fencing of the entire storage area before any personal property is allowed on the property (mirror Advanced Disposal fencing).
3. All refurbishing on containers shall occur within the building and comply with all state and federal regulations.
4. Container stacking limitation in fenced area maximum three high.
5. Containers must be placed with a minimum 12 foot setback from side and back property lines and 15 foot from front property line.
6. No more than 5 containers allowed in the display area for finished product (finished product may be located outside the fence; stacking limitations in display area – maximum two high).
7. All containers outside the fence area must have doors and be locked.
8. All containers must be empty with no storage.

9. Property must have maintained landscaping and not allow overgrowing weeds, grass and other growing subjects.

10. Annual review with Plan Commission.

Roll call vote.

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| Gruett – aye | Kragh – aye | Loose – aye | Thornber – aye |
| Schmitzer – aye | Goebel – absent | Deehr – aye | Schoenborn - aye |

Seven votes cast. Seven votes aye. Motion carried.

The March 11, 2020 Chilton Housing Authority and the May 11, 2020 Library Board minutes were distributed for the council members to review.

NEW BUSINESS:

Clayton Thornber has been on the Chilton Housing Authority board for 41 years and has submitted his resignation.

Moved by Thornber, seconded by Schmitzer and carried to approve the mayoral appointment of Mike Kasper to the Chilton Housing Authority board to fill Mr. Thornber's unexpired term to December 31, 2020.

The City has received notification from the Wisconsin Economic Development Association (WEDC) that we were awarded a \$150,000 matching Grant to do building demolition and environmental testing at the former Chilton Plating site, 420 E Main Street. The matching funds total \$39,985.

At the April 7, 2020 Council meeting, the Common Council authorized the submission of a letter to WEDC committing up to \$16,825 of City funds toward the local match for the project. Calumet County also pledged to support the project with a commitment of up to \$25,960 of funding.

Motion by Deehr, seconded by Gruett and carried to approve the Site Assessment Grant Agreement with the Wisconsin Economic Development Corporation for up to \$150,000 in grant funding for building demolition and environmental site testing at the former Chilton Plating. Roll call vote.

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| Gruett – aye | Kragh – aye | Loose – aye | Thornber – aye |
| Schmitzer – aye | Goebel – absent | Deehr – aye | Schoenborn - aye |

Seven votes cast. Seven votes aye. Motion carried.

First Assistant Fire Chief Nathan Schneider would like to apply for a \$2000 grant from Wisconsin Public Service Rewarding Responder Grant to be used for replacement of turnout boots.

Motion by Deehr, seconded by Loose to introduce, adopt and waive the reading of Resolution No. 1819, a resolution authorizing the Fire Department to apply for a Wisconsin Public Service Rewarding Responder Grant. Roll call vote.

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| Gruett – aye | Kragh – aye | Loose – aye | Thornber – aye |
| Schmitzer – aye | Goebel – absent | Deehr – aye | Schoenborn - aye |

Seven votes cast. Seven votes aye. Motion carried.

APPROVE PAYMENT OF BILLS:

Moved by Schmitzer, seconded by Thornber to pay the bills. Check No. 85295-85342 and Voucher # 4884-4905 or accounts payable and payrolls totaling \$371,438.49. Roll call vote.

Gruett – aye

Kragh – aye

Loose – aye

Thornber – aye

Schmitzer – aye

Goebel – absent

Deehr – aye

Schoenborn - aye

Seven votes cast. Seven votes aye. Motion carried.

ADJOURNMENT:

Moved by Deehr, seconded by Loose and carried to adjourn at 7:36 p.m. on May 19, 2020.

Lisa Meyer, WCMC
Deputy City Clerk